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AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE Serial Number: 10/661,094
Filing Date: September 12, 2003
Title: METHOD AND KIT FOR IDENTIFYING VANCOMYCIN-RESISTANT ENTEROCOCCUS

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IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method to detect vanA in a sample, comprising:

a) contacting a sample suspected of comprising amplified vanA nucleic acid with at least one vanA-specific oligonucleotide probe under conditions effective to form a double stranded hybrid between the vanA-specific oligonucleotide probe and vanA nucleic acid in the sample, wherein the vanA-specific oligonucleotide probe consists of no more than [[15 to]] 40 nucleotides and has a sequence with at least 80% contiguous nucleic acid sequence identity to SEQ ID NO:3 or the complement of SEQ ID NO:3, wherein the amplified vanA nucleic acid is obtained with a first and a second oligonucleotide primer each consisting of 15 to 40 nucleotides, wherein the first oligonucleotide primer has a sequence with at least 80% contiguous nucleic acid sequence identity to SEQ ID NO:2, and the second oligonucleotide primer has a sequence with at least 80% contiguous nucleic acid sequence identity to SEQ ID NO:4, wherein the sequence of the probe with at least 80% contiguous nucleic acid sequence identity to the complement of SEO ID NO:3 or SEQ ID NO:3 is one which is effective to form a double stranded hybrid with SEQ ID NO:3 or its complement, respectively, wherein the sequence of the first primer with at least 80% contiguous nucleic acid sequence identity to SEQ ID NO:2 is one which is effective to form a double stranded hybrid with the complement of SEQ ID NO:2, and wherein the sequence of the second primer with at least 80% contiguous nucleic acid sequence identity to SEO ID NO:4 is one which is effective to form a double stranded hybrid with the complement of SEQ ID NO:4; and

- b) detecting or determining the presence or amount of hybrid formation between the probe and nucleic acid in the sample, wherein hybrid formation is indicative of vanA nucleic acid in the sample.
- 2. (Withdrawn) A method to detect vanB in a sample, comprising:
- a) contacting a sample suspected of comprising amplified vanB nucleic acid with at least one vanB-specific oligonucleotide probe under high stringency hybridization conditions effective